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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,352	02/04/2002	Srinivas Pothapragada	07575-033002	8494
26181	7590	03/07/2005	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402				ORTIZ, BELIX M
ART UNIT		PAPER NUMBER		
		2164		

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/068,352	POTHAPRAGADA ET AL.
	Examiner Belix M. Ortiz	Art Unit 2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 2-16
- 4) Claim(s) 4-16 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 - 5) Claim(s) ____ is/are allowed.
 - 6) Claim(s) 4-16 is/are rejected.
 - 7) Claim(s) ____ is/are objected to.
 - 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Remarks

1. In response to communications files on 8-November-2004, claim 1 is cancelled; the specification of the disclosure; and new claims 2-16 are added per applicant's request. Therefore, claims 2-16 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 2-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (U.S. patent 6,754,715).

As to claim 2, Cannon et al. teaches a computer-implemented method of transmitting streaming data (see abstract), the method comprising:

streaming data for a video, the data for the video including data stored on a first portion of a virtual partition and data stored on a second portion of a virtual partition (see column 11, lines 7-20);

receiving a request to fast-forward the data for the video (see column 1, lines 53-60);

streaming fast-forwarded data for the video that is stored on the first portion of the

virtual partition (see figure 4; column 5, lines 64-67; column 6, lines 1-5; and column 6, lines 15-24); and

ignoring the request to fast-forward and streaming at a normal speed data for the video that is stored on the second portion of the virtual partition (see column 10, lines 31-45).

As to claims 3, 7, and 14, Cannon et al. teaches wherein the data for the video that is stored on the second portion of the virtual partition includes data representing an advertisement (see column 7, lines 37-42).

Cannon et al. does not expressly show data representing an advertisement.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Stored on the second portion of the virtual partition includes data representing an advertisement. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefor, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to collect from a customer stored on the second portion of the virtual partition includes data representing an advertisement because, “The use of the retransmit buffer advantageously facilitates the rapid retransmission of a data packet therein if that data packet is requested by client computer 104 for retransmission (e.g.,

in the event a data packet is detected to be missing by client computer 104)", (see column 7, lines 42-47).

As to claims 4 and 15, Cannon et al. teaches wherein streaming includes compressing (see column 7, lines 8-16).

As to claims 5, 10, and 16, Cannon et al. teaches the method further comprising: reading from a pointer a location of the data stored on the second portion of the virtual partition (see column 10, lines 46-58).

As to claim 6, Cannon et al. teaches a video streaming system (see abstract) comprising:

a first portion of a virtual partition (see column 11, lines 13-16);
a second portion of the virtual partition (see column 7, lines 37-40);
a file system operable to access data stored on the first and second portions of the virtual partition (see column 11, lines 7-20); and
a module operable to stream data for a video from the first and second portions of the virtual partition, the file system being configured to communicate with the first and second portions of the virtual partition through the module, the module being configured to ignore a request to stream fast-forwarded data from the second portion of the virtual partition (see abstract; column 3, lines 58-67; and column 10, lines 31-45).

As to claim 8, Cannon et al. teaches wherein the module is further operable to stream fast-forwarded data from the first portion of the virtual partition in response to a request (see column 5, lines 60-64).

As to claim 9, Cannon et al. teaches the system further comprising: a compression unit operable to compress the data for the video (see column 7, lines 8-16).

As to claim 11, Cannon et al. teaches the system further comprising: a server operable to send, in response to a user request, a request to the file system for the data store on the first and second portions of the virtual partition, the file system being operable to receive the request from the server and provide the data stored on the first and second portions of the virtual partition to the server (see abstract; column 1, lines 62-66; and column 2, lines 59-61).

As to claim 12, Cannon et al. teaches a storage stack comprising:
a file system operable to access data stored on one or more data storage devices (see figure 2, characters 204-212; column 7, lines 3-4; column 9, lines 15-16; and column 9, lines 61-63)
a disk strategy module (see column 9, lines 33-34); and
a virtual partition strategy module, the file system being configured to communicate with the disk strategy module through the virtual partition strategy module,

the virtual partition strategy module being configured to ignore a request to fast-forward through an advertisement in streaming data (see column 9, lines 33-34 and column 10, lines 31-45).

As to claim 13, Cannon et al. a computer program product, tangibly embodying in an information carrier instructions operable to cause a computer to perform (see abstract) the operations of:

streaming data for a video, the data for the video including data stored on a first portion of a virtual partition and data stored on a second portion of a virtual partition (see column 11, lines 7-20);

receiving a request to fast-forward the data for the video (see column 1, lines 53-60);

streaming fast-forwarded data for the video that is stored on the first portion of the virtual partition (see figure 4; column 5, lines 64-67; column 6, lines 1-5; and column 6, lines 15-24); and

ignoring the request to fast-forward and streaming at a normal speed data for the video that is stored on the second portion of the virtual partition (see column 10, lines 31-45).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

bmo

March 3, 2005



SAM RIMELL
PRIMARY EXAMINER